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January 19, 2018

VIA EMAIL

The Hon. Judge Cathy Seibel
300 Quarropas St., Courtroom 621
White Plains, NY 10601-4150

Notice of Withdrawal of Motion For Emergency Stay

Dear Hon. Judge Seibel:

Pursuant to FRAP 8, I sought an emergency stay of the court's Order dated 14, 2017 pending a ruling from the Second Circuit on the pending appeal emergency relief was Wednesday January 17, 2018. However, this Court ruling on the motion and granted opposing parties until January 19, 2018.

Let me alert the parties to the fact that if the mediation scheduled for 1/25/18 is unsuccessful, I am prepared to begin the hearing on the preliminary injunction motion as soon as 1/29/18. If Defendant cannot make the required showings at a hearing, that might moot further litigation in the Circuit. If the case does not settle on 1/25/18, Defendants should let the other parties and the Court know, by 5 pm on 1/26/18, what witnesses they may call at the hearing. The other parties should do the same by 5 pm on 1/27/18. All parties should submit proposed findings of fact and conclusions of law by 12 noon on 1/28/18. We will begin with testimony at 9:30 on 1/29/18.

SO ORDERED.


CATHY SEIBEL, U.S.D.J.

The Sixuvus, Ltd., sought a 3 day (or one business day) extension through its counsel under the auspices that one of her clients is out of the country and therefore unavailable to provide a declaration.

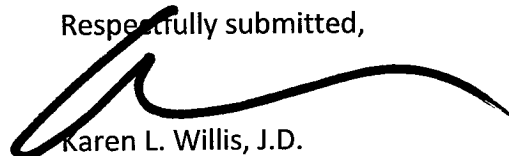
1/19/18

I opposed this reason as insufficient and designed to cause delay considering counsel could have easily obtained a signature on a declaration in this age of computers, scanners and emails. Notwithstanding this, the court granted the extension.

As a result, I have lost all faith that this Court is treating the motion as an emergency. Moreover, I believe the relief sought is futile because when you factor in my time to review the Sixuvus response and reply (the Court did not set a time for my reply) there is no time certain when this Court would rule on the emergency motion.

Accordingly, I hereby withdraw my request for a Stay in the District Court as moot in lieu of an Emergency Stay of the TRO in the Second Circuit for which such filing is imminent.

Respectfully submitted,


Karen L. Willis, J.D.